IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.197 OF 2006

Prabhakar Baburao Nehre & Ors. .. Petitioners.
Vs.
Yashwant Jijaram Pawar & Ors. .. Respondents.

Mr.T.D.Deshmukh for the petitioners.

CORAM : D.B.BHOSALE, J.
DATED : 26TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners.

2. This petition is directed against the order dated 21.10.2005 by which the petitioners' application under Order 1 Rule 10 for impleading them as party in the civil appeal no.314/2003 has been rejected. The petitioners-applicants are the purchasers of the suit property from one of the parties to the suit. The suit was filed for partition. Admittedly, the sale transaction has taken place after the suit was decreed and pending the appeal. The transaction is hit by the doctrine of lis pendens as embodied in section 52 of the Transfer of Property Act, 1882 and in any case the purchaser cannot claim any right whatsoever in the appeal. In my opinion, the order does not suffer from any infirmity warranting interference by this court under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed.

(D.B.Bhosale, J.)